

Remarks

I. Status of the Claims

By this Amendment, claim 1 has been amended, claim 24 has been canceled without disclaimer or prejudice, and claims 1 – 23 remain pending. Claim 1 has been amended to more clearly define that which Applicants consider to be their invention. Support for the amendment can be found in the Specification at least at page 7, lines 19-20. Accordingly, no new matter has been introduced by this Amendment.

II. Election/Restriction

The Examiner required restriction under 35 U.S.C. 121 with group I being claims 1 – 23, drawn to a bilayer laminate personal care article and group II being claim 24, drawn to a method of using the bilayer laminate personal care article. Applicants have canceled claim 24 which will be pursued in a divisional application.

III. The Prior Art Rejections Under 35 U.S.C. § 103

The present claims are directed to a bilayer laminated personal care article comprising: an apertured film layer having a smooth side and a rough side; and an absorbent layer, wherein the absorbent layer is laminated to the smooth side of the apertured film layer, the article is loaded with a skin cleansing composition, and the article is useful for providing skin care benefits. See claim 1.

A. The Rejection Of Claims 1, 5-17 and 20-22 over Pelkie in view of Cashaw

The Examiner has rejected claims 1, 5 – 17 and 20-22 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,733,628 (“Pelkie”) in view of U.S. Patent No. 5,843,267 (“Cashaw et al.”). Applicants respectfully traverse this rejection.

Pelkie is drawn to articles that are useful for diapers, health care garments and materials, tissue, and a variety of industrial products. There is no teaching or suggestion of an article that is loaded with a skin cleansing composition and is useful for providing skin care benefits.

The Examiner relies upon Cashaw as teaching disposable absorbent feminine hygiene products comprising an absorbent layer. Cashaw teaches that the absorbent layer may include means for maintaining skin moisture such as encapsulated moisturizers. However, Cashaw does nothing to make up for the deficiencies in the teachings of Pelkie with respect to an article that is loaded with a skin cleansing composition and is useful for providing skin care benefits.

The Examiner indicated in the office action that Pelkie teaches resiliency and the bond strength of the article are related to the compression of the article during lamination. The Examiner concluded that it would be obvious to one having ordinary skill in the art to determine the optimum value of these properties through routine experimentation. Applicants respectfully disagree. There is no teaching or suggestion in Pelkie on how to measure bond strength. The patent does not teach what range of bond strengths may be obtained. Nor does the patent teach or suggest useful ranges of bond strength for any applications. Applicants have identified and taught a method for measuring bond strength. They have further identified a range of bond strengths that are useful for articles that are utilized to provide skin care benefits which is neither taught nor suggested by Pelkie or Cashaw.

B. The Rejection of Claims 2-4 Over Pelkie in view of Cashaw et al. and Daponte

The Examiner has rejected claims 2 – 4 under 35 U.S.C. 103(a) as being unpatentable over Pelkie in view of Cashaw et al. and further in view of United States Patent No. 4,863,779 ("Daponte"). Applicants respectfully traverse this rejection.

Daponte fails to cure the deficiencies of Pelkie and Cashaw et al. in failing to teach an article according to the inventing that is loaded with a skin cleansing composition and is useful for providing skin care benefits. Accordingly, Applicants respectfully request withdrawal of this rejection.

C. The Rejection of Claims 18 and 19 Over Pelkie in view of Cashaw et al. and Han

The Examiner has rejected claims 18 and 19 under 35 U.S.C. 103(a) as being unpatentable over Pelkie and Cashaw et al. and further in view of United States Patent No. 5,853,638 ("Han"). Applicants respectfully traverse this rejection.

Han fails to cure the deficiencies of Pelkie and Cashaw et al. in failing to teach an article according to the invention that is loaded with a skin cleansing composition and is useful for providing skin care benefits. Accordingly, Applicants respectfully request withdrawal of this rejection.

D. The Rejection of Claim 23 Over Pelkie in view of Cashaw et al., Han and Dapante

The Examiner has rejected claim 23 under 35 U.S.C. 103(a) as being unpatentable over Pelkie in view of Cashaw et al. and Han and further in view of Dapante. Applicants respectfully disagree. None of the references relied upon by the Examiner teach or suggest an article according to the invention that is loaded with a skin cleansing composition and is useful for providing skin care benefits.

Applicants respectfully submit none of the references cited by the Examiner nor the combination of the references teaches or suggests the present invention. Accordingly, Applicants respectfully request withdrawal of these rejections.

IV. Conclusion

Applicants believe that the foregoing presents a full and complete response to the outstanding Office Action. An early and favorable response to this Amendment is earnestly solicited. If the Examiner feels that a discussion with Applicants' representative would be helpful in resolving the outstanding issues, the Examiner is invited to contact Applicants' representative at the number provided below.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-566/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,


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